

REMARKS

This is in response to the Office Action, dated March 18, 2004, where the Examiner has rejected claims 1, 2 and 5-48, and has objected to claims 3 and 4. By the present amendment, claims 3 and 39 have been cancelled, and claims 1, 4, 6, 11, 14, 22, 24-38, 42-43 and 45-48 have been amended. After the present amendment, claims 1-2, 4-38 and 40-48 are pending in the present application. Reconsideration and allowance of pending claims 1-2, 4-38 and 40-48 in view of the following remarks are respectfully requested.

A. Renumbering of the Claims

Applicant appreciates the Examiner's correction of the claims numbering and acknowledges renumbering of the claims.

B. Rejection of Claim 11 under 35 USC § 112, ¶ 2

The Examiner has rejected claim 11 under 35 USC § 112, ¶ 2, as being indefinite, because "the status of call waiting" lacks antecedent basis. By the present amendment, applicant has amended claim 11 to replace "the status of call waiting" with --a status of call waiting--. Applicant respectfully submits that the Examiner's rejection of claim 11 under 35 USC § 112, ¶ 2, has been overcome.

C. Rejection of Claims 1, 2, 5-32, 34-36, 38-43 and 45-47 under 35 USC § 102(b)

The Examiner has rejected claims 1, 2, 5-32, 34-36, 38-43 and 45-47, under 35 USC § 102(b), as being anticipated by Dudek, et al. (USPN 5,208,812) ("Dudek").

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 1 to include the limitations of claim 3 with additional amendments to clarify invention of claim 1. Applicant respectfully submits that claim

1, as amended, should be allowed, at least for the reasons the Examiner has found claim 3 allowable if written in independent form.

Applicant respectfully submits that claims 2 and 4-30 depend from claim 1 and should be allowed at least for the same reasons claim 1 is allowable.

With respect to claim 30, applicant respectfully submits that Dudek states that “the LID code may identify the telepoint company or system with which the handset is registered and through which the use wishes to make the telephone call.” (Col. 44, lines 33-36.) In other words, the LID code transmitted by the handset does not identify the handset, but the LID code identifies the receiving system. For example, Dudek further states that “the handset 11 will transmit a LID code indicating that it wishes to make contact with the specific domestic telephone or private exchange system with which it has been registered.” (Col. 44, lines 26-29.) In sharp contrast to Dudek, however, claim 30 recites: “transmitting a first modem manufacturer parameter to said second modem during said physical handshaking process, wherein said first modem manufacture parameter identifies said first modem.” Therefore, unlike the LID code of Dudek, which identifies the remote system, the first modem manufacture parameter of claim 30 identifies the first modem. Further, applicant has also amended claim 30 to recite: “receiving a second modem manufacturer parameter from said second modem during said physical handshaking process, wherein said second modem manufacture parameter identifies said second modem.” Applicant respectfully submits that Dudek fails to disclose, teach or suggest an exchange of the modem manufacturer parameter between the first modem and the second modem, as recited by the transmitting and receiving elements of claim 30.

Accordingly, applicant respectfully submits that claim 30 and its dependent claims 31-33 are in condition for allowance.

In addition, claims 34-37 should also be allowed at least for the same reasons state above in conjunction with patentability of claim 30.

Regarding claim 38, it is respectfully submitted that claim 38 should be allowed for one or more reasons stated above in conjunction with patentability of claims 1 and 30. For example, it is respectfully submitted that Dudek fails to disclose, teach or suggest “receiving a second modem manufacturer parameter from said second modem in response to said sending said scrambled code; and transmitting a first modem manufacturer parameter to said second modem.”

Accordingly, applicant respectfully submits that claim 38 and its dependent claims 40-44 are in condition for allowance.

Furthermore, modem claim 45 has limitations similar to those of method claim 30. Accordingly, applicant respectfully submits that claim 45 and its dependent claims 46-48 should be allowed at least for the same reasons stated above in conjunction with patentability of claim 30.

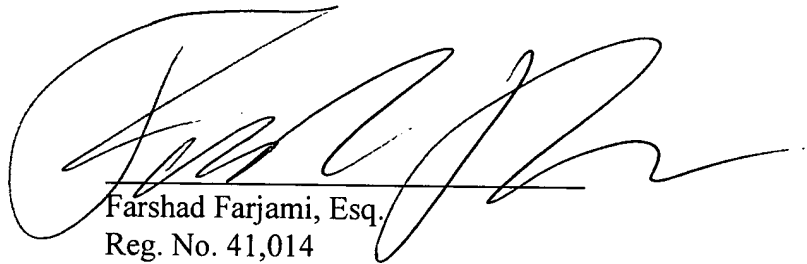
D. Rejection of Claims 33, 37, 44 and 48 under 35 USC § 103(a)

The Examiner has rejected claims 33, 37, 44 and 48, under 35 USC § 103(a), as being unpatentable over Dudek. Applicant respectfully submits that claims 33, 37, 44 and 48 should be allowed over Dudek for the reasons stated above.

E. Conclusion

For all the foregoing reasons, an early allowance of claims 1-2, 4-38 and 40-48 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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